

Appl. No.: 10/604,147
Amdt. Dated: October 13, 2008
Reply to Office Action of June 13, 2008

REMARKS

Claims 1-26 stand rejected. Claims 24-26 have been canceled herein. Therefore, claims 1-23 are pending and at issue. Applicants respectfully request reconsideration of the rejections of the claims in view of the arguments presented herein.

Applicants believe that the rejections made in the Office Action are based upon either a misunderstanding of the present claims and/or a mischaracterization of the cited references. Therefore, Applicants will briefly present an overview of the subject matter disclosed in the present application as compared to the subject matter disclosed in the cited references.

Generally, the present application is directed to a system and method for estimating the geographic location of an Internet user and/or providing search results based upon the estimated geographic location of the Internet user. In one form, the estimation is based upon tracking the Internet sites that the user visits, determining the business geographic location and finally estimating the Internet user's location to be at least adjacent to the business geographic location. Therefore, the system and method does not need to rely on any sort of GPS, triangulation or other signal to determine the location. In fact, in some instances the Internet user may not be utilizing a device capable of providing such signals. For example, if the Internet user is using a desktop computer, the desktop computer likely does not incorporate a GPS and would also not include any sort of radio wave transmission that would be suitable for triangulation.

The cited references, on the other hand, are directed to determining a location based exclusively on a GPS signal, triangulation, radio waves, wireless communication and other related methods. At no point do the cited references adequately disclose or suggest tracking the sites that an Internet user visits and estimating the user's location to be adjacent the location of

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the businesses that the user visits. The Office Action's rejections will be discussed more specifically below.

Claims 1-5, 9, 10 and 14-18 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by DeWolf et al. However, this rejection is based upon a mischaracterization of the reference.

Independent claim 1 recites tracking an Internet user's visits to a site promoting a business having a geographic location, determining the business geographic location and estimating the Internet user's location to be at least adjacent to the business location. The Office Action asserts that this subject matter is disclosed and/or inherently accomplished in the cited reference. However, DeWolf et al. actually discloses determining the location of a user based exclusively on data such as a GPS signal, the cell phone signal location (roaming signal), signal triangulation and other signal based data. (referring to Paras. 41, 45, 48, 49 and elsewhere throughout the reference). DeWolf et al. relies upon such signals and data for determining the location of the user.

The Office Action cites to Para. 87 alleging that the location profile can be at least in part built upon the history of internet browsing. However, there is no support for how one would accomplish such a determination, therefore *failing to enable* one skilled in the art to make and use the alleged features. For example, DeWolf et al. fails to disclose or suggest if the system would look for town names on the website, such as implied in the cited paragraph (the section specifically refers to the Outer Banks) or some other method. One skilled in the art would simply have no way to understand how such a system would operate. This deficiency is further highlighted in that DeWolf et al. discusses the GPS and signal based location determination through many paragraphs and pages of description whereas the alleged Internet method is only

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briefly mentioned in two sentences. Therefore, DeWolf et al. discloses utilizing GPS and other signals to determine a user's location and fails to enable how to use the Internet history to determine location. Resultantly, DeWolf et al. fails to disclose or suggest one or more features recited in claim 1, from which claims 2-5 depend, and the rejection should be withdrawn.

Independent claims 9 and 14 recite similar subject matter as found in claim 1. Therefore, for similar reasons, the rejection of these claims, as well as their dependent claims, should be withdrawn. Additionally, claim 9 recites further features which DeWolf et al. fails to disclose or suggest. For example, claim 9 recites comparatively determining the matched business geographic location having the most matches thereby defining a most popular business geographic location. DeWolf et al. fails to disclose anything at all related to this recited feature. Therefore, for this additional reason, this rejection should be withdrawn.

Claims 6-8 and 11-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DeWolf et al. in view of Hooper et al. Claims 6-8 depend from independent claim 1 while claims 11-13 depend from independent claim 9. As discussed *supra*, DeWolf et al. fails to disclose or suggest one or more features recited in the claims as DeWolf et al. relies upon GPS and other signals for determining location. Hooper et al. similarly fails to disclose these recited features. Therefore, as each of DeWolf et al. and Hooper et al., when taken alone or in combination, fails to disclose one or more features, this rejection should be withdrawn and the claims allowed.

Claims 19-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over DeWolf et al. in view of Barnes. Claims 24-26 have been canceled and are no longer at issue. Independent claim 19, from which claims 20-23 depend, recites similar features as in claim 9. As discussed *supra*, DeWolf et al. fails to disclose or suggest these features. Barnes

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similarly fails to disclose these features and, in fact, discloses a location method based on GPS data, similar to DeWolf et al. Therefore, as each of DeWolf et al. and Barnes, when taken alone or in combination, fails to disclose one or more features, this rejection should be withdrawn and the claims allowed.

The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

CONCLUSION

Applicants respectfully request reconsideration of the rejections and allowance of claims 1-23. If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351. If such withdrawal is made, please indicate the attorney docket number (35041-400100) on the account statement. Should any informal matters remain which can be corrected by Examiner's amendment, Applicant requests that the undersigned be contacted by phone in order to expedite the prosecution of the present case.

Respectfully submitted,

By 

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